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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/768,710 | 01/24/2001 | Harry C. Morris | DMBC-0003 | 2728 |

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EXAMINER

ZIMMERMAN, JOHN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1775

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,710

Applicant(s)

MORRIS, HARRY C.

Examiner

John J. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

SECOND OFFICE ACTION

1. This Office Action is in response to the Reply Under 37 CFR 1.111 received September 20, 2002.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 4-12853. Japanese publication 4-12853 discloses a doctor blade for squeezing ink on a printing plate comprising a steel blade covered with a hard chromium plating layer (e.g. see abstract and Figure 1).

4. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 63-25038. Japanese publication 63-25038 discloses a doctor blade adapted to an ink

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supply apparatus comprising a steel blade covered with a hard chromium plating layer (e.g. see abstract and Figure 1).

5. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 3-64595. Japanese publication 3-64595 discloses a blade for printing coating paper comprising a steel blade covered with a chromium electroplated layer (e.g. see abstract and Figures 1-5).

6. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 06-257095. Japanese publication 06-257095 discloses a doctor blade for a paper machine comprising a steel blade covered with a chromium plating layer (e.g. see Figure 8).

7. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundbye (U.S. Patent 2,313,830). Lundbye discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see page 2, left column, lines 1-34).

8. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundbye (U.S. Patent 2,361,554). Lundbye discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see claims 1-3).

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12. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlsen (U.S. Patent 2,404,689). Carlsen discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see the claim).

9. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Stalmuke (U.S. Patent 3,230,928). Stalmuke discloses a blade coater for the paper industry comprising a steel blade covered with a chromium plating layer (e.g. see Figure 2 and column 2, lines 25-41).

10. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindblad (U.S. Patent 4,970,560). Lindblad discloses a cleaning blade for electrophotographic processes comprising a steel blade covered with a chromium plating layer (e.g. see Figure 2 and claims 6 and 10).

11. Claims 8-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Nomura (U.S. Patent 6,059,881). Nomura discloses a coater blade for coating processes comprising a steel blade covered with a chromium plating layer (e.g. see Figures 2, 3 and Table 1).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese publication 4-12853, Japanese publication 63-25038, Japanese publication 3-64595, Japanese publication 06-257095, Lundbye (U.S. Patent 2,313,830), Lundbye (U.S. Patent 2,361,554), Carlsen (U.S. Patent 2,404,689), Stalmuke (U.S. Patent 3,230,928), Lindblad (U.S. Patent 4,970,560) or Nomura (U.S. Patent 6,059,881), each in view of Mahoney (U.S. Patent 3,810,588).

14. Japanese publication 4-12853, Japanese publication 63-25038, Japanese publication 3-64595, Japanese publication 06-257095, Lundbye (U.S. Patent 2,313,830), Lundbye (U.S. Patent 2,361,554), Carlsen (U.S. Patent 2,404,689), Stalmuke (U.S. Patent 3,230,928), Lindblad (U.S. Patent 4,970,560) and Nomura (U.S. Patent 6,059,881) are all described above. These references differ from the claims in that they may not disclose that their blades are coiled. Mahoney, however, clearly shows that it is well recognized in industry that doctor blade stock is more economical if supplied in coiled form (e.g. see column 1, lines 5-60). In view of Mahoney, it would have been obvious to one of ordinary skill in the art at the time the invention was made to supply the coated blades of Japanese publication 4-12853, Japanese publication 63-25038, Japanese publication 3-64595, Japanese publication 06-257095, Lundbye (U.S. Patent 2,313,830), Lundbye (U.S. Patent 2,361,554), Carlsen (U.S. Patent 2,404,689), Stalmuke (U.S. Patent 3,230,928), Lindblad (U.S. Patent 4,970,560) and Nomura (U.S. Patent 6,059,881) in coiled form because Mahoney shows that this form of blade stock is more economical.

Response to Arguments

15. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground of rejection. The new ground of rejection addresses the newly added limitation in these claims that the "substrate base is coiled". In addition, several other references have been cited to clearly show that industry conventionally supplies doctor blade stock in coiled form.

16. Regarding claims 8-10, applicant does not appear to have addressed any of the rejections from the previous Office Action applied to these claims. No amendments have been made to claims 8-10 and no arguments have been found directly addressing the patentability of these specific claims over the applied references. Applicant will be held to be non-responsive if all the pending rejections are not fully addressed in future correspondences.

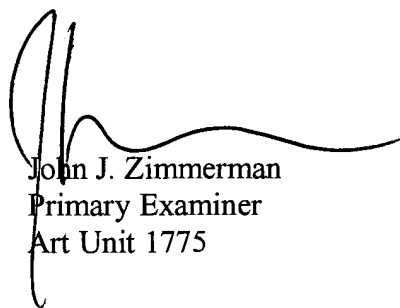
Conclusion

17. Applicant's amendment requiring a coil form has necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Zimmerman whose telephone number is (703) 308-2512. The examiner can normally be reached on 8:30am-5:00pm, M-F. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John J. Zimmerman
Primary Examiner
Art Unit 1775

jjz
November 27, 2002